IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 3RD JULY 2007 / 12TH ASHADHA 1929

WP(C).No. 2171 of 2006(H)

AGAINST THE ORDER IN EA.829/04 IN EP.187/00 IN OS.211/1994 OF PRL.SUB COURT,IRINJALAKUDA
.....

PETITIONER:

P.K.MARY, D/O.LATE PAULOSE,
PALATHINGAL HOUSE, VARANTHARAPPALLY,
MUKUNDAPURAM, THRISSUR.

BY ADV. SRI.P.V.JAYACHANDRAN.

RESPONDENT:

MAVELI COURIES & LOANS PVT.LTD.,
REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR.

BY ADV. SRI.V.R.KESAVA KAIMAL,
SRI.N.M.MADHU.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03/07/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.2171/2006:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE E.A. NO. 829/2004.

EXT.P.2: COPY OF THE OBJECTION DTD. 04/11/05.

EXT.P.3: COPY OF THE BALANCE STATEMENT AS PER THE DECREE WITH INTEREST.

EXT.P.4: COPY OF THE RECEIPT DTD. 15/11/05.

RESPONDENT'S EXHIBITS: **NIL.**

//TRUE COPY//

prv.

PIUS C. KURIAKOSE, J.

.....

W.P.(C)No.2171 OF 2006

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DATED THIS THE 3RD JULY, 2007

J U D G M E N T

The learned counsel for the petitioner asserts that the petitioner is yet to receive certified copy of the order in E.A.No.829 of 2004, dated 12.1.2006. The counsel further submitted that the entire amount payable to the respondent as detailed in Ext.P3 statement has also been deposited and that the petitioner is ready and willing to pay the balance, if any, which the respondent-decree-holder may claim.

2. Considering the above submissions, I am inclined to dispose of the Writ Petition itself issuing the following directions:-

1) If the copy application filed by the petitioner for copy of the order in E.A.829 of 2004 dated 12.1.2006 is even now pending and if the application is in order, the court below will issue copy to the petitioner immediately, i.e., within 10 days of receiving copy of this judgment.

2) If the petitioner makes a fresh copy application for copy of the self-same order, the court below will consider that application and issue copy within three weeks of receiving copy of this judgment.

3) The order of stay presently passed will continue for a period of three more months from today.

If the respondent is not willing for a settlement by receiving the amounts under deposit, it is open to the petitioner to pursue all other remedies available to her in law.

(PIUS C.KURIAKOSE, JUDGE)

tgl